



**State of Michigan
Department of Licensing and Regulatory Affairs
LIQUOR CONTROL COMMISSION
525 W. Allegan St.
P.O. Box 30005
Lansing, Michigan 48909-7505**

Complaint No. 9-CV-505344
Business ID No. 225166
L-5

In Re: Greenbush Brewing Co.
5875 & 5885 Sawyer Rd
Sawyer, MI 49125-9380

Date: July 30, 2019

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COMPLAINT

This Complaint alleges that as discovered on June 19, 2019, the licensee or the licensee's agent, clerk or employee:

1. accepted aid or assistance from) another vendor, VanderMill, LLC, and/or Farmhaus Cider Co., and/or Fenn Valley Vineyards, by property of any description, rebate or premiums or other valuable thing, finished wine and/or cider products, contrary to Section 609 of the Michigan Liquor Control Code, MCL 436.1609.
2. allowed persons, Farmhaus Cider Co., and/or VanderMill, LLC, and/or Fenn Valley Vineyards, whose name does not appear on the license, to derive use or benefit from the license, contrary to Rule 436.1041(1).
3. the licensee failed to make required records available for inspection, including, but not limited to, Report of Wine Premises Operations, TTB Form 5120.17 for 2019, contrary to Section 217(3) of the Michigan Liquor Control Code, MCL 436.1217(3).
4. made a false or fraudulent written statement to the Michigan Liquor Control Commission, specifically: that Greenbush Brewing Co. would be producing and bottling wine as a small winemaker when in fact Anna Rafalski advised Commission investigators that Greenbush did not produce any wine on the premises but rather purchased all of the wine and cider that they sold from other licensed vendors, which statement was made for the purpose of inducing the Commission to act, or refrain from taking action, or to enable or assist a person Greenbush Brewing Co. in evading the provisions of the Liquor Control Code, contrary to Section 1003 of the Michigan Liquor Control Code, MCL 436.2003.
5. sold, furnished, or allowed consumption of alcoholic liquor or possessed alcoholic liquor on the licensed premises, not purchased from an authorized source, namely, all wine or cider produced by Fenn Valley Vineyards, and/or VanderMill, LLC, and/or Farmhaus Cider Co., contrary to Section 901(6) of the Michigan Liquor Control Code, MCL 436.1901(6).
6. Impermissibly received wine from another manufacturer without manufacturing or bottling wine at its licensed premises contrary to Section 204a(2)(a)(ii) of the Michigan Liquor Control Code, MCL 436.1204a(2)(a)(ii).
7. Impermissibly sold wine purchased or received from another manufacturer without modifying the purchased or received wine, bottling the purchased or received wine, or having placed a label on the shiner received from the other manufacturer, contrary to Section 204a(3)(a), (b), and (c) of the Michigan Liquor Control Code, MCL 436.1204a(3)(a), (b), and (c).

8. failed to maintain appropriate records for a four-year period of time, contrary to Rule 436.1007(3).

Wherefore, it is requested that a hearing be conducted, and a decision made in accordance with section 903 of the Michigan Liquor Control Code of 1998 being MCL 436.1903, and the Liquor Control Commission Rules.

LIQUOR CONTROL COMMISSION
LICENSING AND ENFORCEMENT DIVISION

By:  _____

ACKNOWLEDGMENTS

This complaint was drafted pursuant to a written Violation Report or other information which was submitted to the enforcement arm of the Commission. As a licensee, you have a right to request, in writing, a copy of the Violation Report at the address listed above. The licensee may waive a hearing and acknowledge the facts pursuant to this Report.

SEE REVERSE SIDE FOR WAIVER OF HEARING AND ACKNOWLEDGMENT FORM

LC-678-4L (03/2019) LARA is an equal opportunity employer/program. Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities.

The licensee may elect to appear at a hearing at which time testimony may be taken and the matter adjudged or the licensee may elect to acknowledge the validity of the complaint and thereby authorize the entry of an order without a formal hearing, which order may assess such penalties as are provided by Section 903 of the Liquor Control Code of 1998. If a licensee elects to acknowledge the complaint, the licensee may include, on a separate sheet of paper, any explanation or mitigating circumstances which the licensee believes should be considered in disposing of the violation.

NOTE: In the event the licensee decides to waive a hearing and acknowledge the facts of this complaint, the original copy of this waiver and acknowledgment must be signed by the individual licensee, or at least one co-licensee, or at least one partner of a partnership licensee, or at least one officer of a corporate or club licensee, or at least one member of a limited liability company, and returned to the Michigan Liquor Control Commission, Hearings and Appeals Section, 525 W. Allegan, P.O. Box 30005, Lansing, Michigan 48909-7505 of fax both sides of the Complaint to (517) 763-0053.

WAIVER OF HEARING & ACKNOWLEDGMENT OF COMPLAINT

I (we) hereby voluntarily acknowledge the charges as stated in this complaint, I (we) hereby waive hearing, representation by an attorney and appearance of witnesses at such hearing, I (we) hereby voluntarily consent to the reading of the Violation Report submitted by the law enforcement agency and consent to such penalty as may be deemed appropriate from the facts stated therein. I (we) voluntarily consent to my (our) previous violation record, if any, being reviewed and understand it may be a factor in the determination of the penalty imposed. No representations, expressed or implied, have been made by anyone concerning what the penalty shall be.

* Signature of Licensee: _____ Date: _____

Print or Type:	
	<div style="display: flex; justify-content: space-between;"> Name Title </div>

You must include your current telephone number and email address so that the Liquor Control Commission can contact you.

Current Telephone: _____ Current email: _____

***Under the authority set forth in R 436.1913, you must meet one of the following conditions in order to sign this acknowledgment of complaint. Please place a checkmark in the box next to the condition below that describes your authority to sign, and include your associated title above.**

- ☐ **The individual licensee.** (Example: John Doe, Licensee)
- ☐ **A co-licensee.** (Example: John Doe, Co-Licensee)
- ☐ **A partner of a partnership licensee.** (Example: John Doe, Partner)
- ☐ **An officer of a corporate licensee.** (Example: John Doe, President, Secretary, etc.)
- ☐ **A member or manager of a limited liability company.** (Example: John Doe, Manager)

*** If you do not meet one of the conditions outlined above, this acknowledgment will not be accepted and the matter will be scheduled for a hearing.**

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